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Human rights and unilateral coercive measures

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, submitted in accordance with Human Rights Council resolution 27/21.**

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** Late submission owing to the recent appointment of the Special Rapporteur.

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Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy

Summary

The present report sets out a preliminary review of the human rights adversely affected by unilateral coercive measures and puts forward tentative recommendations as to how to minimize the adverse impact of these measures.

The Special Rapporteur wishes to highlight that the present report should be read in conjunction with the report presented to the Human Rights Council (A/HRC/30/45), which provides, among other things, some clarifying definitions concerning unilateral coercive measures and some elements on guidance from international law, human rights law and humanitarian law.

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I. Introduction

1. The Human Rights Council decided, in its resolution 27/21, to establish a new special procedure, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. The Special Rapporteur was appointed at the twenty-eighth session of the Council and took office in May 2015.

2. The Charter of the United Nations, in its Article 55 (c); the Vienna Declaration, adopted by the World Conference on Human Rights in 1993; and General Assembly resolution 60/251 placed emphasis on the universal character of human rights. The treaty bodies set up under the human rights covenants deal with these rights mainly in the context of their observance by signatory States at the domestic level. It stands to reason, by virtue of their universality, that such rights must also be observed by States at the international level: rights holders are entitled to protection of their basic rights from violations, whether by national or by foreign authorities having an ability to affect them. Only a mechanism based on the Charter of the United Nations could therefore close this protection gap. Hence the establishment of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.

3. The present report is submitted to the General Assembly by the first Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, Idriss Jazairy, appointed in May 2015 pursuant to Human Rights Council resolution 27/21, in which the Council requested the Special Rapporteur to submit each year a report to the Council and the Assembly on the activities relating to the mandate. In the report, the Special Rapporteur reviews the human rights adversely affected by unilateral coercive measures and formulates tentative recommendations on how to minimize their adverse impact.

II. Scope of the report

4. The present report and the one submitted to the Human Rights Council[1] were drawn up within two months to comply with the programming imperatives of the General Assembly and Human Rights Council. The present report is therefore preliminary in its approach and recommendations.

5. The remit of the report is to deal with unilateral coercive measures. The concept of unilateral measures is opposed to that of multilateral measures, which in the report is considered as being applicable only to measures adopted by the United Nations itself.

6. The present report covers only unilateral coercive measures, mainly of an economic and financial nature, and looks into their adverse impact on human rights.

7. In 1949-1950, the International Law Commission discussed inconclusively whether economic coercion by States was the equivalent of a resort to the use of force and was therefore unlawful. The issue was later referred to by scholars as "economic warfare" similar to military warfare, indicating that "both kinds of warfare are means towards the same end: political disintegration of the enemy so

[1] A/HRC/30/45.

that he gives up the pursuit of his goals".[2] Others have claimed that "economic sanctions are a species of warfare" and that "they are in a very real sense war — war by other means".[3] Thus, unilateral coercive measures can hardly be described as a peaceful alternative to armed conflict.

8. United Nations sanctions were initially limited to action taken by none other than the Security Council in cases of threat to, or breach of, peace and of acts of aggression. The scope of sanctions was extended to cover the situation of Southern Rhodesia under the unilateral declaration of independence in February 1966 and, a decade later, of apartheid in South Africa, where a United Nations arms embargo was blended with unilateral coercive measures of the European Union and the Commonwealth. Unilateral coercive measures remained few in number, with the United States of America playing a central role as a source/sender State. Following the end of the cold war, the use of such measures rapidly increased, with the involvement of a growing number of advanced countries, in particular, acting as sources/senders. There gradually evolved an agreement among source/sender countries, at least on paper, that unilateral coercive measures should not be used to gain economic advantage, but rather to ensure compliance with international law and in particular with the International Bill of Human Rights.

9. However, in the aftermath of the first Iraq war in 1991, it became painfully clear that comprehensive coercive measures applied by the United Nations as well as unilaterally had become a cause for grave concern. This led to the gradual replacement of comprehensive by "targeted" or "smart" measures, aimed at specific sectors of activity, at entities or at individuals. To this evolution there were three sets of consequences. First, ordinary citizens suffered less from unilateral coercive measures targeted narrowly at particular entities and at individuals. Secondly, the targeting of key commodities such as oil or of financial services was nonetheless having a devastating indirect impact on innocent civilians in different countries. And thirdly, the hasty introduction of designated individuals "of concern" in the list of targets of sanctions and unilateral coercive measures to address imminent security threats after 11 September 2001 resulted in errors triggering violations of the individual rights of people wrongly listed. This led the world leaders at the 2005 World Summit to emphasize "that fair and clear procedures exist for placing individuals and entities in sanctions lists and for removing them, as well as for granting humanitarians exemptions" (see General Assembly resolution 60/1, para. 109). As a result, the United Nations and the European Union, confronted with an increasing number of challenges in European courts,[4] have introduced many reforms. While measures have been adopted in this context to better protect individual rights by enhancing legal due process, little has been achieved to reduce the impact of targeted unilateral coercive measures aimed at the key economic and financial sectors of target countries. Yet these unilateral coercive measures are the ones that affect most cruelly the rights of the largest numbers of innocent civilians.

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[2] Johan Galtung, "On the effects of economic sanctions", *World Politics*, vol. 19, issue 3 (April 1967), p. 388.

[3] John P. Giraudo, "Waging economic warfare: are sanctions power under the Constitution?", *New York University Journal of International Law and Policy* (1987), p. 935.

[4] In a letter dated 21 February 2014 of the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland to the Chair of the House of Lords External Affairs Sub-committee, the number of cases pending before the Court of Justice of the European Union was said to be 110 involving 290 individuals.

III. Human rights affected by unilateral coercive measures

10. The present section sets out a preliminary review of the various human rights that are the most vulnerable to unilateral coercive measures, and refers to past or current instances of cases in which economic sanctions imposed by the Security Council or unilaterally (by either regional organizations, groups of States or individual States) have actually (or arguably) had an adverse impact on human rights. The multilateral nature of sanctions decided upon by the Security Council does not detract from their likely adverse impact in this regard. It only changes the legal status of such measures and the nature of the remedies that they call for. In terms of impact on human rights, the "transmission mechanisms" are nevertheless the same, hence the inclusion of the impact of some "sanctions" in a report on unilateral coercive measures.

11. In discussing provisions of human rights law in relation to unilateral coercive measures, a series of factors should be borne in mind.

12. First, it is important to recall that the Committee on Economic, Social and Cultural Rights, in its general comment No. 8 on the relationship between economic sanctions and respect for economic, social and cultural rights, declared that the inhabitants of a given country do not forfeit basic economic, social and cultural rights by virtue of any determination that their leaders have violated norms of international peace and security.[5] It has been observed that although this comment seems to apply to sanctions adopted by the Security Council, it applies equally to unilateral coercive measures.[6]

13. Secondly, the relevant rights are enumerated separately in the following subsections mainly, if not only, for conceptual purposes, and their individualization is without prejudice to the close interrelations that exist between the rights concerned. Indeed all human rights are interdependent and indivisible.

14. Thirdly, it is now well established that the effective realization of, and respect for, human rights imply the existence of extraterritorial obligations of States when enacting unilateral coercive measures. In that regard, the Human Rights Committee found that "it would be unconscionable to so interpret the responsibility under article 2 of the Covenant on Civil and Political Rights as to permit a State party to perpetrate violations of the Covenant on the territory of another State, which violations it could not perpetrate on its own territory".[7]

15. On the basis of this assumption, the Committee on Economic, Social and Cultural Rights stressed, in its general comment No. 8, that "just as the international community insists that any targeted State must respect the civil and political rights of its citizens, so too must that State and the international community itself do everything possible to protect at least the core content of the economic, social and cultural rights of the affected peoples of that State".[8]

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[5] See E/C.12/1997/8, para. 16.

[6] See, e.g., the research-based progress report of the Human Rights Council Advisory Committee (A/HRC/28/74), para. 15.

[7] A/36/40, *Sergio Euben Lopez Burgos v. Uruguay*, communication no. R.12/52, para. 12.3. See Takele Soboka Bulto, *The Extraterritorial Application of the Human Right to Water in Africa* (Cambridge, Cambridge University Press, 2014), especially at pp. 168 and 169.

[8] See E/C.12/1997/8, para. 7.

16. Fourthly, this preliminary review does not touch on, and is thus without prejudice to, the issue of the legal status of each and every relevant norm of human rights law, including the question of whether these shall be considered jus cogens, and the legal consequences flowing from such qualification in the relations between States implementing unilateral coercive measures and rights holders. These issues will have to be further dealt with at a later stage in the course of the present mandate.

17. Finally, it is important to recall that the present review, which refers to a number of official documents issued by United Nations organs and human rights bodies, as well as to independent evidence, is necessarily limited and fragmentary and will need to be supplemented, in the course of the present mandate, by further research and evidence arising from all available and relevant data and materials, including country visits and communications received from Governments and other interested stakeholders.

A. Right to life

18. The right to life is the most basic human right and is enshrined in a number of human rights instruments.[9] It is considered as non-derogable[10] and has been deemed jus cogens.[11] It has been argued that this right is the most likely to be affected by economic sanctions.[12] It is well established that this right not only extends to a protection against the arbitrary deprivation of life, but also encompasses socioeconomic aspects, and incorporates positive obligations on States to take all measures necessary to secure this right.[13] The Human Rights Committee has asserted in that respect that:

> the right to life has been too often narrowly interpreted. The expression 'inherent right to life' cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In

[9] Universal Declaration of Human Rights, Art. 3; International Covenant on Civil and Political Rights, art. 6(1); Convention on the Rights of the Child, art. 6(1).

[10] See Manfred Nowak, *U.N. Covenant on Civil and Political Rights, CCPR Commentary* (Kehl, N.P. Engel, 2005), pp. 121-122; See further W. Paul Gormley, "The right to life and the rule of non-derogability: peremptory norms of jus cogens", in *The Right to Life in International Law*, B. G. Ramcharan, ed., (Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1985), pp. 120-159; Yoram Dinstein, "The erga omnes applicability of human rights", *Archiv des Völkerrechts*, vol. 30 (1992), pp. 16-37; Martin Scheinin, "Core rights and obligations", in *The Oxford Handbook of International Human Rights Law*, D. Shelton (ed., (Oxford, Oxford University Press, 2013), pp. 527-540, especially at p. 529.

[11] See the report of the Commission on Human Rights on the protection of human rights in Chile (A/37/564), para. 22 (the right to life is "a fundamental right in any society ... [and] forms part of jus cogens in international human rights law"); see also Manfred Nowak, footnote 10 above, at p. 122; W. Paul Gormley, footnote 9 above, at pp. 120-159.

[12] Erika De Wet, *The Chapter VII Powers of the United Nations Security Council* (Oxford and Portland, Oregon, Hart Publishing, 2004), p. 219.

[13] Sarah Joseph and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary* (Oxford, Oxford University Press, 2013), p. 203. See also Inter-American Court of Human Rights, *Villagrán Morales and Others versus Guatemala* (case of the "Street Children"), judgment of 19 November 1999, joint concurring opinion of Judges A. A. Cançado Trindade and A. Abreu Burelli, para. 2: "The right to life implies not only the negative obligation not to deprive anyone of life arbitrarily, but also the positive obligation to take all necessary measures to secure that that basic right is not violated".

this connection, the Committee considers that it would be desirable for States parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics.[14]

19. It is also commonly accepted that the right to life operates in an international setting and imposes obligations on States to respect and protect this right to the extent that their actions may affect the right to life of individuals in other jurisdictions.

20. On the basis of these two assumptions, it may be argued that the effective realization of the right to life requires that States implementing unilateral coercive measures refrain from deliberately enacting measures the effect of which would be the deprivation of individuals of food or worse, their subjection to hunger or starvation.[15]

21. Insofar as children are concerned, such obligation to respect and protect the right to life is corroborated by the provisions of the Convention on the Rights of the Child, which recognizes the right to life of every child and calls upon States to ensure, to the maximum extent possible, the survival and development of the child.[16] It also calls upon States to take appropriate measures to diminish infant and child mortality.[17] It has been observed with respect to Security Council sanctions that these "should at the very least not result in denying children access to the basic goods and services essential to sustain life".[18] There is every reason to expect that unilateral coercive measures should comply with the same requirement. This would entail a prohibition on measures leading to increased child malnutrition, infant mortality, or to epidemics among children.

22. Instances of past sanctions regimes entailing actual violations of the right to life include, of course, Iraq in the 1990s, when the country was subject to sanctions mandated by the Security Council.[19]

23. Allegations of violations of the right to life through the imposition of unilateral coercive measures have been made since that time in a number of cases.[20] For example, an increase in malnutrition among children (leading to a number of deaths) and epidemics in the general population resulting from unilateral coercive measures implemented by the occupying power in the Gaza Strip have been documented in various United Nations reports and by non-governmental organizations in recent months.[21]

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[14] See HRI/GEN/1/Rev.1, Human Rights Committee, para. 5 of general comment No. 6 on art. 6 (Right to life) of the International Covenant on Civil and Political Rights.

[15] For an affirmation of such duty in the context of multilateral sanctions enacted by the Security Council, see Erika De Wet, footnote 12 above, at p. 221.

[16] United Nations, *Treaty Series*, vol. 1577, No. 27531, art. 6.

[17] Ibid., art. 24(2).

[18] Erika De Wet, see footnote 12 above, at p. 220.

[19] Commission on Human Rights, "The adverse consequences of economic sanctions on the enjoyment of human rights", working paper prepared by Marc Bossuyt (E/CN.4/Sub.2/2000/33), para. 63. In the same report, the author pointed to the fact that sanctions had a disproportionate adverse impact on children: "In 1999, after conducting the first surveys since 1991 of child and maternal mortality in Iraq, UNICEF concluded that in the heavily populated southern and central parts of the country, children under five are dying at more than twice the rate they were 10 years ago. An expert on the effects of sanctions on civilians states that 'the underlying causes of these excess deaths include contaminated water, lack of high quality foods, inadequate breastfeeding, poor weaning practices, and inadequate supplies in the curative health-care system'" (para. 64).

[20] See A/HRC/28/74.

[21] Ibid., paras. 38 and 39.

B. Right to self-determination

24. Article 1, paragraph 1, common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights recognizes the right of all peoples to self-determination and stresses that "by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development", while article 1, paragraph 2, of both Covenants provides, among other things, that "in no case may a people be deprived of its own means of subsistence".

25. It has been noted in that respect that the imposition of economic sanctions on a State "may raise special risks of depriving a people of its means of subsistence".[22] The manner in which such risks may materialize in given cases, through interference with the various economic, social and cultural rights, has been highlighted by the Committee on Economic, Social and Cultural Rights in its general comment No. 8.[23]

26. Certainly, in its general comment No. 8, the Committee on Economic, Social and Cultural Rights did not go so far as to suggest that the impact of sanctions might also constitute a violation of the right to self-determination. Nonetheless, as it has been observed, "it is plain that in a given case, universally imposed sanctions regimes, which are insufficiently tailored or targeted and which lack adequate humanitarian exemptions, could have the cumulative effect of depriving a population, or substantial sections of it, of their means of subsistence".[24]

27. Moreover, it seems reasonable to argue that "[u]nilateral economic sanctions (as opposed to multilateral UN measures under Chapter VII of the Charter) imposed by one State on another, to compel that State to change a particular political or economic policy, could amount to a prohibited intervention and a denial of self-determination".[25]

28. Respect of self-determination in that context is germane to the rule precluding economic and political coercion, affirmed, among others, by the General Assembly, in paragraph 123 of its Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations of 1970) (resolution 2625 (XXV)), that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.[26]

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[22] Ben Saul, David Kinley, Jacqueline Mowbray, *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases, and Materials* (Oxford, Oxford University Press, 2014), p. 117.

[23] See E/C.12/1997/8, para. 3.

[24] Ben Saul, David Kinley, Jacqueline Mowbray, see footnote 22 above, at p. 118.

[25] Ibid., at p. 107.

[26] As to debates surrounding the scope of the prohibition of economic and political coercion, see, e.g., Antonio Tanca, "The prohibition of force in the UN Declaration on Friendly Relations of 1970", in *The Current Legal Regulation of the Use of Force*, Antonio Cassese, ed., (Dordrecht, The Netherlands, Martinus Nijhoff Publishers, 1986), pp. 397-412, especially at pp. 400-402; Pierre Emmanuel Dupont, "Countermeasures and collective security: The case of the EU sanctions against Iran", *Journal of Conflict and Security Law*, vol.17 (2012), pp. 301-336.

29. One specific instance of deprivation of a people's means of subsistence is arguably that of Israel's "general closure" policy in the West Bank, as was found by the Committee on Economic, Social and Cultural Rights in 1998.[27] It is reasonable to assume that coercive measures of this kind qualify as unilateral coercive measures in the meaning of Human Rights Council resolution 27/21, and therefore come within the scope of the present mandate.

30. Moreover, as Israel's "general closures" policy relates to measures taken by an occupying power in an occupied territory, relevant provisions of international humanitarian law may also come into play, including the prohibitions on using starvation as a method of war, the prohibition of destruction of objects indispensable to civilian survival or the prohibition of collective punishment.[28] This was also highlighted by the Human Rights Council with respect to the Israeli blockade of Gaza, which, the Council found, was inflicting disproportionate damage upon the civilian population in the Gaza Strip, and therefore amounted to collective punishment in violation of international humanitarian law.[29]

C. Right to development

31. The right to development, as embodied in a number of international instruments and recognized in particular in General Assembly resolution 41/128,[30] is especially vulnerable to economic sanctions. The Human Rights Council reaffirmed in 2014 that "unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development".[31] Indeed, as it has observed,

> The negative consequences [of economic sanctions] in the target country can include loss of jobs, higher consumer prices, economic stagnation, and, in the extreme, impoverishment and ill health. [...] Sanctions can also readily escalate into retaliation and 'trade wars', even drawing in other countries,

[27] See concluding observations on Israel (E/C.12/1/Add.27), para. 39: "The Committee urges the State party to respect the right to self-determination as recognized in article 1 (2) of the Covenant, which provides that 'in no way may a people be deprived of its own means of subsistence'. Closure restricts the movement of people and goods, cutting off access to external markets and to income derived from employment and livelihood. The Committee also calls upon the Government to give full effect to its obligations under the Covenant and, as a matter of the highest priority, to undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, the safe conduct of students and teachers to and from schools, and the reunification of families separated by closures".

[28] Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 973).

[29] Report of the international fact-finding mission to investigate violations of international law, including international humanitarian and human rights law, resulting from the Israeli attacks on the flotilla of ships carrying humanitarian assistance (A/HRC/15/21), paras. 53-54. For further references on the blockade of Gaza as a case of collective punishment under international humanitarian law, see, e.g., Shane Darcy, "The prohibition of collective punishment", in *The Geneva Conventions in Context: A Commentary*, Andrew Clapham, Paola Gaeta and Marco Sassòli (eds.), (Oxford, Oxford University Press, forthcoming 2016). Available from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2482974.

[30] Declaration on the right to development (resolution 41/128, annex).

[31] Human Rights Council resolution 27/21, preamble; see also paras. 1, 4, 6, 10 and 15 of the same resolution.

> leading to further economic difficulties and threats to international stability. As noted, commercial relations with many different countries may be impaired, both in the short and long term. All of this can have damaging effects on the realization of the right to development.[32]

32. The actual adverse consequences of unilateral coercive measures have been comprehensively described in various studies.[33] Referring to the case of Zimbabwe, the United Nations High Commissioner for Human Rights has highlighted the impact of unilateral coercive measures on the country's development, stating that

> there seems little doubt that the existence of the sanctions regimes has, at the very least, acted as a serious disincentive to overseas banks and investors. It is also likely that the stigma of sanctions has limited certain imports and exports. Taken together, these and other unintended side-effects will in turn inevitably have had a negative impact on the economy at large, with possibly quite serious ramifications for the country's poorest and most vulnerable populations.[34]

33. In conclusion, unilateral coercive measures of an economic character are selected to exact as much harm as possible by focusing on vulnerable sectors likely to have the greatest negative multiplier effect on the national economy. Recourse to such measures is therefore antithetic to upholding the right to development.

D. Right to an adequate standard of living, including food, clothing, housing and medical care

34. The Office of the United Nations High Commissioner for Human Rights has made clear that unilateral coercive measures that impinge on the provision of an adequate standard of living, including medical care, food, clothing and housing, would have an impact on the implementation of article 25, paragraph 1, of the

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[32] Isabella D. Bunn, *The Right to Development and International Economic Law* (Oxford, Hart Publishing, 2012), p. 225.

[33] For Cuba, see, for example, Benjamin Manchak, "Comprehensive economic sanctions, the right to development, and constitutionally impermissible violations of international law", *Boston College Third World Law Journal*, vol. 30 (2010), pp. 417-451, at pp. 433-434. For Myanmar, see Thihan Myo Nyun, "Feeling good or doing good: inefficacy of the U.S. unilateral sanctions against the military Government of Burma/Myanmar", *Washington University Global Studies Law Review*, vol. 7 (2008), pp. 455-518; and for an official statement of the Government of Myanmar referring to sanctions as affecting the right to development, see the address delivered by the Minister for Foreign Affairs, U Nyan Win, to the General Assembly at its sixty-third session, 29 September 2008. Available from www.mofa.gov.mm/speeches.

[34] Opening remarks by the United Nations High Commissioner for Human Rights, Navi Pillay, at a press conference during her mission to Zimbabwe, 25 May 2012. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12192&LangID=E#sthash.48RBvc2r.dpuf.

Universal Declaration of Human Rights, and of articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights.[35]

35. In its general comment No. 12 on the right to adequate food, the Committee on Economic, Social and Cultural Rights stated, with reference to article 11 of the Covenant, that "States parties should refrain at all times from food embargoes or similar measures which endanger conditions for food production and access to food in other countries. Food should never be used as an instrument of political or economic pressure".[36]

36. Actual examples of such adverse impacts of unilateral coercive measures on the enjoyment of the right to an adequate standard of living may be found in various reports and studies. For example, regarding Cuba, the Personal Representative of the High Commissioner for Human Rights stated that "the restrictions imposed by the embargo help to deprive Cuba of vital access to medicines, new scientific and medical technology, food, chemical water treatment and electricity".[37]

37. Mention may also be made here of the right to water, which was recognized by the General Assembly in its resolution 64/292 as a human right that is essential for the full enjoyment of life and all human rights. The Human Rights Council has affirmed that the right to water is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as to the right to life and human dignity.[38] The vulnerability of the right to water to unilateral coercive measures of an economic nature has been highlighted by the Committee on Economic, Social and Cultural Rights in its general comment No. 15 on the right to water, in which it called upon States parties to the Covenant to refrain from imposing embargoes or similar measures that prevent the supply of water, as well as the goods and services essential for securing the right to water.[39] This was illustrated by the fact that the Human Rights Committee found in 2010 that the effects of the blockade on the

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[35] See the thematic study of OHCHR on the impact of unilateral coercive measures on the enjoyment of human rights, including recommendations on actions aimed at ending such measures (A/HRC/19/33), para. 35. See also in that respect Anna Segall, "Economic sanctions: legal and policy constraints", *International Review of the Red Cross*, No. 836 (1999), who noted that "it could be argued that the right to food and the right to be free from hunger impose an obligation on States to supply essential foodstuffs to those in need. Even if this argument is not accepted, at the very least the existence of these rights must mean that it is prohibited to deliberately act in a way which actively deprives individuals of food and causes hunger and/or starvation. As far as the imposition of sanctions is concerned, it would seem an extraordinary result if it were prohibited to starve civilians during an armed conflict but permitted in time of peace".

[36] See E/C.12/1999/5, para. 37. For a legal argument for a ban on the use of food and medicine as part of economic sanctions strategies, see Jordan J. Paust, "De-Regulating humanitarian aid: the need for new norms and interpretation", in *International Law between Universalism and Fragmentation: Festschrift in Honour of Gerhard Hafner*, Isabelle Buffard and others, eds., (Leiden, Brill, 2008), pp. 701-709.

[37] See the report on the situation of human rights in Cuba (A/HRC/4/12), para. 7.

[38] Resolution 15/9 on human rights and access to safe drinking water and sanitation, para. 3.

[39] See E/C.12/2002/11, para. 32; see also Salman M.A. Salman and Siobhán McInerney-Lankford, *The Human Right to Water, Legal and Policy Dimensions* (Washington, D.C., The World Bank, 2004), pp. 76-77; and Takele Soboka Bulto, footnote 7 above.

civilian population in the Gaza Strip included, among other things, "restrictions on the access to sufficient drinking water and adequate sanitation".[40]

E. Right to health

38. The right to health, as recognized in a number of international instruments,[41] is most likely to be affected by unilateral coercive measures. This is also pointed out in a number of resolutions of organs and bodies of the United Nations, including the General Assembly[42] and the Human Rights Council,[43] as well as in reports of United Nations bodies.[44] For instance, in 2000 the Subcommission on Human Rights cited "deteriorating humanitarian conditions in countries which have been affected by heavy sanctions, including embargoes, particularly as evidenced in increasing rates of child malnutrition and mortality and deteriorating health indicators".[45]

39. The actual impact on the enjoyment of the right to health of the decade-long embargo on Iraq has been well documented.[46]

40. The Iraq case refers to sanctions implemented pursuant to Security Council resolutions, therefore not qualifying as unilateral coercive measures. Regardless of their legal status, however, this shows that such measures have a material adverse effect on the right to health of the population of the country targeted. This observation can be related to the statement made by the Committee on Economic, Social and Cultural Rights in its general comment No. 8 that all kinds of economic sanctions, irrespective of the fact that they are imposed "internationally, regionally and unilaterally", should, "whatever the circumstances, [...] always take full account of the provisions of the International Covenant on Economic, Social and Cultural Rights".[47]

41. Beyond the case of Iraq, studies focusing on other countries targeted by unilateral coercive measures point to the same negative effects on the right to

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[40] See the concluding observations of the Human Rights Committee concerning Israel (CCPR/C/ISR/CO/3), para. 8.

[41] Constitution of the World Health Organization, 22 July 1946; Universal Declaration of Human Rights, Art. 25; International Covenant on Economic, Social and Cultural Rights, art. 12.

[42] See, e.g., resolutions 66/156 and 68/162.

[43] See, e.g., resolutions 15/24 and 27/21.

[44] See, e.g., A/HRC/28/74, paras. 14-19.

[45] Subcommission on Human Rights resolution 2000/1 on human rights and humanitarian consequences of sanctions, including embargoes.

[46] For a comprehensive overview and evaluation of the effects of the sanctions on the Iraqi people, see, e.g., the report of the second panel on the humanitarian situation in Iraq (S/1999/356), annex II; E/CN.4/Sub.2/2000/33; World Health Organization Division of Emergency and Humanitarian Action, *The Health Conditions of the Population of Iraq since the Gulf Crisis* (Geneva, World Health Organization, 1996) WHO/EHA/96.1. Available from http://apps.who.int/iris/bitstream/10665/59845/1/WHO_EHA_96.1.pdf?ua=1 (accessed on 2 August 2015).

[47] See E/C.12/1997/8, para. 1.

health, mainly either through the shortage of medical supplies or through damage to the health infrastructure.[48]

42. The Committee on Economic, Social and Cultural Rights, in its general comment No. 8, mentioned that sanctions, here taken to refer to unilateral coercive measures, may "severely interfere with the functioning of basic health [...] systems". More specifically, the same Committee, in its general comment No. 14 on the right to the highest attainable standard of health, urged States parties to the Covenant to "refrain at all times from imposing embargoes or similar measures restricting the supply of another State with adequate medicines and medical equipment. Restrictions on such goods should never be used as an instrument of political and economic pressure".[49]

43. In that context, it is important to recall that the right to health is commonly understood as containing an obligation on States to respect the right to health, which in turn is assumed to impose a legal obligation on States to take reasonable measures to ensure that the consequences of their actions are not harmful to the health of persons in jurisdictions other than their own.[50] In other words, as explained by the Special Rapporteur on the on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, "international assistance and cooperation require that all those [States] in a position to assist should, first, refrain from acts that make it more difficult for the poor to realize their right to health".[51]

44. The precise nature and extent of this obligation to refrain from any action that would be harmful to the health of persons in other jurisdictions are still subject to some controversy.[52] However, it appears reasonable to assume that the obligations of States to respect, at the very least, the "core content" of the right to health extend to a requirement to structure any unilateral coercive measures regime

> in a way that does not undermine the availability and accessibility of basic health facilities, goods and services on a non-discriminatory basis. This presupposes, in particular, that the [unilateral coercive measures] may not undermine the accessibility of minimum essential food which is nutritionally adequate and safe; the accessibility to basic shelter, housing and sanitation, as well as an adequate supply of safe and potable water; the accessibility of

[48] For unilateral coercive measures currently in force, see, e.g., regarding Cuba, document A/HRC/28/74, paras. 24-27; and Amnesty International, *The US Embargo against Cuba and its Impact on Economic and Social Rights* (London, Amnesty International, 2009), especially pp. 16 ff; and for the Islamic Republic of Iran, see document A/HRC/28/74, paras. 34-35. Regarding the Islamic Republic of Iran, reference shall be made to reports according to which 85,000 cancer patients, who require chemotherapy and radiotherapy treatment, "are under imminent risk, an unwarranted side-effect of sanctions", largely because the country is not allowed to use the international payment systems, having been, for example, disconnected from the SWIFT system as a result of sanctions (Sonia Maria P. Pinto Soares, "UN sanctions that safeguard, undermine, or both, human rights", in *Making Sovereign Financing and Human Rights Work*, Juan Pablo Bohoslavsky and Jernej Letnar Cernic, eds., (Oxford, Hart Publishing, 2014), pp. 33-46, see especially pp. 38-40). For an example of unilateral coercive measures no longer enforced (Burundi), see E/CN.4/Sub.2/2000/33, paras. 79 and 82.

[49] See E/C.12/2000/4, para. 41.

[50] See John Tobin, *The Right to Health in International Law* (Oxford, Oxford University Press, 2012), p. 332.

[51] See A/59/422, para. 33.

[52] See John Tobin, footnote 50 above, pp. 332 and 333.

essential drugs as from time to time defined under the WHO Action Programme on Essential Drugs; and the equitable distribution of all health facilities, goods and services.[53]

F. Right to education

45. The Committee on Economic, Social and Cultural Rights has noted, in its general comment No. 8, that economic sanctions may severely interfere with the functioning of the education system,[54] thus having an impact on the right to education, as guaranteed in article 13 of the Covenant on Economic, Social and Cultural Rights.

46. The actual effects of the embargo on Iraq on the enjoyment of the right to education have been documented.[55] Although this concerned a case of multilateral sanctions, lessons may be learned on potential similar effects in cases of implementation of unilateral coercive measures. As an example, mention may be made of the decrease of access of Iranian women to higher education as a consequence of economic sanctions, noted in a recent report issued by the Advisory Committee of the Human Rights Council.[56]

G. Other rights potentially affected by unilateral coercive measures

47. The potential or actual adverse impact of unilateral coercive measures on the enjoyment of other rights and freedoms, including, but not limited to, the freedom of movement, the right to seek asylum, the right to privacy and reputation, family rights, the rights to access to court, to a fair trial and to an effective remedy, property rights and so forth, will deserve further investigation at a later stage.

IV. Preliminary recommendations

48. The present section addresses a series of three questions: how to assess the impact of unilateral coercive measures on human rights, how to mitigate the adverse impact of unilateral coercive measures on the enjoyment of human rights and how to ensure legal due process to prevent, and provide redress and remedy for, the adverse human rights outcomes of unilateral coercive measures.

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[53] To borrow the words used by Erika De Wet (see footnote 12 above), in which she underlined the obligations imposed on States under the right to health as to the design and implementation of embargoes enacted by the United Nations Security Council.

[54] See E/C.12/1997/8, para. 3. See also Klaus D. Beiter, *The Protection of the Right to Education by International Law* (Leiden, Martinus Nijhoff Publishers, 2006), especially at p. 367.

[55] See S/1999/356, annex II, para. 22.

[56] See the preliminary research-based report on human rights and unilateral coercive measures (A/HRC/AC/13/CRP.2), para. 29.

A. How to assess the impact of unilateral coercive measures on human rights

49. The first obstacle to a global evaluation of unilateral coercive measures is the unavailability of global and standardized updated data pertaining thereto. Full transparency in this regard would be helpful both to the United Nations and to international business corporations in particular of the source/sender or allied countries. To the United Nations organs, such data would provide a complete background of unilateral coercive measures in force when deciding on the appropriateness and nature of possible sanctions that might usefully be mandated by the Security Council itself or on the review of existing Council sanctions. To the international business community, these data could provide greater transparency to enhance predictability for their trade, investment and finance transactions involving several dozens of targeted States in which areas of economic activity either remain unaffected by "smart" unilateral coercive measures or open up following the progressive lifting of unilateral coercive measures. Admittedly, some information can already be obtained from the individual sender country's official Internet sites and service providers through commercial subscriptions but their reliability and comprehensiveness are not ensured and their access can be problematic, as this mandate has found in its own research work. Available information on a sender-country basis suggests that there are currently 37 targets of unilateral coercive measures for the European Union,[57] 32 for the United States,[58] and 25 for Canada.[59] There is much duplication between sanctions and unilateral coercive measures, on the one hand, and between unilateral coercive measures of different source/sender countries or groups of countries, on the other.

50. As part of these target-country sanctions or under other thematic headings such as "terrorist groups" or "Al-Qaida", several thousand individuals and entities are also blacklisted in national consolidated unilateral coercive measures lists. For example, Australia has close to 1,000 autonomously designated "individuals" and "entities" 'of concern", of total entries of 5,340, the rest being listed pursuant to Security Council resolutions.[60] It seems that in the case of the United States and the European Union, autonomously designated individuals and entities are substantially more numerous than those listed pursuant to a Security Council resolution, but this needs to be verified when the information becomes readily accessible.

51. The second obstacle to assessing the true impact of unilateral coercive measures on human rights flows from the political nature of unilateral coercive measures.

52. Sender/source countries may be concerned primarily with the necessity of ensuring the effectiveness of unilateral coercive measures before predetermining the likely impact of such measures on human rights. This often may be because their Governments must be seen by their domestic opinion to respond rapidly and

[57] See http://eeas.europa.eu/cfsp/sanctions/docs/measures_en.pdf.

[58] See www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx.

[59] See the list of current sanctions imposed by Canada, on the website of the Department of Foreign Affairs, Trade and Development of Canada. Available from www.international.gc.ca/sanctions/countries-pays/index.aspx?lang=eng.

[60] Australian Department of Foreign Affairs and Trade, "Australia and sanctions: consolidated list", 7 August 2015. Available from http://dfat.gov.au/international-relations/security/sanctions/Pages/consolidated-list.aspx.

appropriately to headline crisis situations abroad. The efficiency of unilateral coercive measures may thus take precedence over caution on their impact on human rights.

53. Target countries for their part will tend to overplay the adverse impact of unilateral coercive measures on the human rights of their population even if this may mean at times confounding causality, correlation and contiguity in time. Unilateral coercive measures, especially if triggered by human rights concerns, are often designed to create dissension between a particular political regime that is targeted and the people of the country. The predictable reaction of the targeted regime is to promote a "rally-round-the-flag" response based on a dramatization of the human rights sufferings brought on by the said unilateral coercive measures. More generally, however, developing countries, whether in the Movement of Non-Aligned Countries or the Group of 77 and China, have consistently challenged the very legitimacy of unilateral coercive measures. They in particular denounce these measures as disregarding their sovereignty and as constituting interference in their domestic affairs.[61]

54. A candid assessment of the true impact on human rights is made all the more challenging by the fact that unilateral coercive measures are usually imposed in a context of complex emergency in which several sender countries of unilateral coercive measures and the Security Council may all be acting simultaneously or successively. Thus, responding to a request for information by the Secretary-General, the Syrian Arab Republic indicated that "more than 58 packages of unilateral coercive measures target(ed) all areas of economic, financial agricultural and industrial activity and the food, pharmaceutical, tourism transport science and culture sectors. Each set of sanctions includes several subsets so that the real number of sanctions is far higher than 58 with major implications for the scale of suffering of the Syrian people".[62]

55. It may be very difficult in such cases to disentangle the causality link and to ascribe a particular adverse impact to one of the measures cited above rather than to the other. Useful work has been done to develop proxy indicators to estimate the adverse impact of sanctions and of unilateral coercive measures on human rights. Their effectiveness is related to the methodology utilized. Thus, an ex ante survey based on such indicators followed by a regular monitoring of their evolution has been found useful. Many United Nations system agencies and in particular the United Nations Children's Fund (UNICEF), as well as the European Union, have developed useful parameters in this regard. However, there is no cookie-cutter approach to assessing the impact on human rights, as situations in this regard vary from one case to another.

56. It is recommended that:

(a) A consolidated central register be set up at the level of the Security Council or of the United Nations Secretariat to recapitulate the list of all unilateral coercive measures in force. This register, which would be updated regularly, would

[61] Such was the position taken by the First South Summit, held in Havana in 2002; the Second South Summit, held in Doha in 2005; the sixteenth Summit of the Movement of Non-Aligned Countries, held in Tehran in 2012; and the Summit of Heads of States and Governments of the Group of 77 and China, convened in Santa Cruz, Plurinational State of Bolivia, in 2014.

[62] See the report of the Secretary-General on human rights and unilateral coercive measures (A/67/181), pp. 11-12.

be kept according to the standards currently applied for Council sanctions and would be made public. Sender/source States or group of States would be invited to notify the Council of unilateral coercive measures in force at their initiative and of their evolution;

(b) Best practice defined in terms of drawing up a reasonable toolbox to support judgement (and not to replace it) be resorted to as a guide with respect to assessing the impact on human rights;

(c) Specialists from OHCHR, the United Nations Development Programme, UNICEF, the European Union and another major sender State of unilateral coercive measures as well as from two major targeted countries meet under the auspices of OHCHR to delineate the possible elements of the toolbox.

B. How to mitigate the adverse consequences of unilateral coercive measures on human rights

57. There has been a broad realization, following the tragedy of Iraq in the 1990s in particular, that something must be done to mitigate the adverse impact of sanctions as well as unilateral coercive measures on human rights. Of course, the best option for mitigation would be to respond positively to the solemn call of the many summits of the Movement of Non-Aligned Countries, the South and the Group of 77 and China upon developed countries to phase out the resort to at least unilateral coercive measures, if not to sanctions, and to move towards their ultimate elimination.

58. Although this may appear to be an unrealistic prospect, in the light of the current expansion of the use of unilateral coercive measures, it remains a legitimate objective to which to aspire. After all, the countries of Western Europe and of the former Eastern European bloc set a path-breaking precedent in this respect. That was at the Conference of on Security and Cooperation in Europe, held in Helsinki in 1975. In the Final Act of that momentous event, the signatory States proclaimed the principle of non-intervention of States in the international affairs of others. In the Declaration on Principles Guiding Relations between Participating States under the heading "Non-intervention in internal affairs", they committed themselves in all circumstances to refrain from any other act of military or of political, economic or other coercion designed to subordinate to their own interest the exercise by any other participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

59. It is interesting to note that in this document, all signatory States indirectly recognized that unilateral coercive measures constitute an intervention in the internal affairs of others. They agreed to ban such intervention in their mutual relations. The evolution on the ground between the participating States put an end thereafter to the promises of the Final Act. The agreement reached does show, however, that banning unilateral coercive measures, if confidence is restored and basic values are shared, is not such an outlandish hope for the international community.

60. The theme of mitigating the adverse impact of unilateral coercive measures on human rights has not been the subject of extensive debate.

61. With respect to target-country processes, the main progress achieved has consisted in the fact that the United Nations and several sender countries have renounced the resort to comprehensive sanctions. The Security Council last imposed such sanctions in the case of Haiti in 1994. The European Union has proceeded likewise. A few sender/source countries have yet to take similar decisions and may consider that the breakthrough achieved with the Islamic Republic of Iran is not unrelated to the de facto comprehensive nature of the sanctions that were applied in the context of nuclear non-proliferation. Here again, there is a need to caution against confusing correlation with causality, as several factors contributed to the economic pressure on the Islamic Republic of Iran, not least the drop in world prices of oil, for which it had found alternative markets following the Western countries' ban on oil exports.

62. It is recommended that all sender/source countries of unilateral coercive measures join in forsaking the resort to comprehensive sanctions in view of their far-reaching adverse impact of the human rights of innocent civilian populations.

63. While, as has been mentioned, many sources have given up the resort to comprehensive unilateral coercive measures, some target countries have been exposed to the equivalent of comprehensive sanctions through the superimposition of a wide range of multiple and diverse targeted measures. Such was the case for Myanmar and is still the case for the Syrian Arab Republic, the Sudan or the Islamic Republic of Iran, to cite some significant examples.

64. It is recommended that:

(a) Sender/source countries consolidate all sanctions and unilateral coercive measures in a single, integrated framework to avoid unintended adverse consequences on the human rights of civilian populations;

(b) Sender countries recognize the possible adverse impact of their unilateral coercive measures on human rights in third countries and consult with the former to mitigate this impact;

(c) Sender countries consider reviewing their claim to extraterritorial jurisdiction, making their unilateral coercive measures mandatory on third countries.

65. In the 2005 World Summit Outcome, world leaders emphasized the necessity of ensuring that "fair and clear procedures exist ... for granting humanitarian exemptions". However, Myanmar and Belarus were exposed to unilateral coercive measures accompanied by a prohibition of articles of humanitarian aid. While the level of development of Belarus limited the impact of this prohibition on the right to life of the population, the circumstances of Myanmar, a least developed country that at the time was enduring the cyclone Nargis, were such as to entail huge sufferings on the population.

66. It is recommended that all sender/source States desist from applying a prohibition of articles of humanitarian aid first to least developed and ultimately to all target countries.

67. The principles invoked by unilateral coercive measures motivated by human rights concerns have at times been weak. One could refer, for example, to the principle of upholding democracy and human rights. In Zimbabwe in 2002 and in Myanmar in 2003, unilateral coercive measures were imposed on the grounds that

there was a refusal in one case to organize a parliamentary election or in the other case to recognize the outcome of the ballot. Yet democratic parliamentary elections were organized in 2006 in Gaza that gave a clear majority to Hamas. Unilateral coercive measures in this case were imposed where the election was democratic and transparent, but where the "wrong" party won the contest. The resulting interruption of aid caused a humanitarian crisis in the territory.

68. It is recommended that when unilateral coercive measures must be imposed, special attention be given more to the consistency of the supporting principles and less to short-term interests.

69. The European Union has adopted a sophisticated procedure for resorting to unilateral coercive measures (referred to as "restrictive measures"). There is also political convergence at the Council of Ministers, a convergence that does not necessarily exist in the Security Council. The argument given by States or groups of States such as the European Union for adding unilateral coercive measures to compound the sanctions of the Security Council is that the threat of the veto procedure in the Council because of structural political divisions prevents them from framing adequate sanctions. They therefore claim to have to reinforce these through "autonomous" measures. Despite the fact that this political rift does not apply to decisions of the European Union, some of its member States, after having adopted by consensus European Union-based unilateral coercive measures against a given target, then decide to apply against the same target additional unilateral coercive measures of their own.[63]

70. It is recommended that once "autonomous" restrictive measures are applied by a regional group of allied States such as the European Union, its member States refrain from adding national unilateral coercive measures of their own, on top of those of their regional group, against the same country.

71. The dearth of information concerning unilateral coercive measures mentioned earlier is also felt concerning the procedures in place at the level of individual sender States to enquire as to whether any update is required in national policies in the light of the remarkable progress that has occurred both at the level of the Security Council[64] and at the level of the European Union. Increased flexibility and transparency, clearer criteria for imposing and lifting unilateral coercive measures, and greater concern for human rights and the rule of law are some of the features of these reforms.

72. It is suggested that individual sender/source States review best practices in this regard with a view to introducing these, where possible, in their own policies.

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[63] With respect to unilateral coercive measures adopted against Myanmar, the United Kingdom House of Lords' Select Committee on Economic Affairs, in its second report of the Session 2006-2007 (*The impact of Economic Sanctions, Volume I: Report*, para. 51), has mentioned that "[w]hile the UK measures [against Myanmar] are presented as being in support of the EU Common Position, in practice they go well beyond the letter of the Common Position and exceed the measures taken by many other EU countries, including France, Germany, Spain, Austria and Italy".

[64] See Sue Eckert and Thomas J. Biersteker, *Due Process and Targeted Sanctions: An up-date of the Watson Report* (Geneva, Watson Institute for International Studies/Graduate Institute, 2012).

C. How to ensure due legal process to prevent, and provide redress and remedy for, the adverse human rights outcomes of unilateral coercive measures

73. The imposition of unilateral coercive measures, whether comprehensive or "smart", on target States is the outcome of an international political option of last resort that always carries in its wake high costs in terms of forfeiture of human rights, even if it is motivated by objectives for enhancing human rights. When one moves from targeting States to targeting commercial entities or individuals, no country where the rule of law prevails can ignore due legal process. For respecting the right of every person to a fair court hearing and trial is the very essence of democracy.

74. It has been argued that persons "of concern" cannot be dealt with in compliance with criminal or civil law as they are subjected to coercive measures (denial of visas, freeze of assets, arrests, etc.) that are temporary and reversible, for political reasons and for preventive purposes, that is, to prevent them from acting in a way that could jeopardize security writ large. The answer to this argument is, of course, that the fight against terrorism will be lost if terrorists succeed in undermining basic human rights principles in States where they are otherwise complied with. As the United States authorities have demonstrated leadership in deciding to close Guantanamo, the international community would be ill inspired to re-create a virtual Guantanamo to deal with the listing and delisting of persons on a blacklist without giving them the right to a fair trial.

75. The Security Council has considerably increased the powers of the Ombudsperson to investigate challenges to blacklisting through its resolution 1989 (2011), giving her quasi-judicial decision-making authority by providing that her decision to delist a person becomes effective if it is not overturned by the unanimous vote of the relevant Committee of the Council[65] and in this case by the Council itself. As for the European Union, an increasing number of its decisions, whether pursuant to a Security Council resolution or as unilateral coercive measures, have been challenged in the European Court of Justice. As mentioned above,[66] the cases of 290 individuals were being appealed in February 2014. Past records show that an appreciable proportion of such appeals have been successful, leading to the delisting of the claimant who, however, is at times relisted under another heading by the Council of Ministers of the European Union. Such was the case of a designated person of Somali and Swedish nationality who was delisted from the list of United Nations sanctions pursuant to resolutions 1267 (1999) and 1989 (2011) by the Ombudsperson and relisted the same day by the Security Council in the sanctions list pursuant to resolution 1844 (2009) concerning Somalia.[67] Some decisions of the European Court of Justice were countered in the same way. This surprising practice is explained for another case of unilateral

[65] Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities.

[66] See footnote 4 above.

[67] Ali Ahmed Jumale (aka Ji'male) was included on the Somalia sanctions list after being removed from the Al-Qaida list at the request of the Ombudsperson of the sanctions regime pursuant to resolutions 1267 (1999) and 1898 (2011), and the delisting and listing happened on the same day. See the press statement of 21 February 2012. Available from www.un.org/press/en/2012/sc10549.doc.htm.

coercive measure targeting an Iranian bank as follows by the United Kingdom Foreign and Commonwealth Office:

> The loss of Court cases is concerning. I remain convinced that in the overwhelming majority of cases, the original listings were fully justified and proportionate to the objectives of the sanctions regime. It is for that reason that we and other member States moved immediately to restore under amended criteria the listings of Iranian banks that had been set aside by the Court.[68]

76. It is recommended that:

(a) Either the European Union policy of recognizing the power of the courts to annul the blacklisting of entities or individuals or at least the policy of the Security Council with respect to its resolutions 1267 (1999) and 1989 (2011), to apply a quasi-judicial procedure be considered by other source/sender countries in their own policies on unilateral coercive measures as regards the blacklisting of entities and individuals. This they could do as an expression of their commitment to the rule of law and to the right of every individual to a fair trial. This is no easy task and will require that a solution be found to address the problem of sensitivity of sources and of their confidentiality, which are an essential part of policies to defeat terrorism through intelligence. An interesting solution was found for the Ombudsman under resolutions 1267 (1999) and 1989 (2011), whereby this person is made privy to such confidential information but is not mandated to refer to it explicitly;

(b) Allies who are members of a regional group consider refraining from outbidding individually the collective measures against a target in whose adoption by consensus they participated;

(c) The Security Council use more frequently its option to indicate to Member States whether its sanctions are self-contained and call only for implementation by States Members of the United Nations or whether they can be further complemented and reinforced on a voluntary basis through regional or national initiatives in the form of complementary unilateral coercive measures. At the very least, Member States could be invited not to refer to their unilateral coercive measures as "complementary to Security Council sanctions" unless the Council so determines.

V. Projected activities

77. Further to the projected activities included in his report to the Human Rights Council,[69] the Special Rapporteur will continue to gather information from relevant stakeholders, who are encouraged to submit the required information by the end of the year so that it can be analysed in future reports. He encourages in particular international and national non-governmental organizations to take added interest in documenting and assessing unilateral coercive measures worldwide.

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[68] See footnote 4 above. For a fuller statement of the practice of the European Union Council of Ministers to relist immediately for different reasons entities or persons who benefited from an annulment of their initial blacklisting, see "Who are you calling a rogue?", *The Economist*, 20 June 2015, p. 61.

[69] A/HRC/30/45, paras. 45-58.

78. The Special Rapporteur will also undertake a broad-based fact-finding approach towards all stakeholders, and in this regard he wishes to encourage Governments to respond positively to his request for country visits.[70]

79. Concerning the drafting of guidelines and formulation of recommendations, the Special Rapporteur is envisaging organizing in 2016 an expert consultation for the elaboration of draft guidelines on ways and means to prevent, minimize and redress the adverse impact of unilateral coercive measures on human rights.

VI. Conclusion

80. **One might observe that, confronted with the hard power of unilateral coercive measures, the soft law of some 30 resolutions of the General Assembly, the United Nations Conference on Trade and Development and many major United Nations international conferences, in which States are strongly urged to refrain from promulgating and applying unilateral coercive measures, has been of little avail. This emerging customary law indeed has not prevented or reversed the upward trend in the use of such coercive measures. But it has provided pressure for qualitative reform in the procedures pertaining to unilateral coercive measures.**

81. **There remains a need to exert additional effort in defining ex ante strategic options to be pursued by unilateral coercive measures and exit strategies, as well as to continue seeking to better reduce the adverse impact of unilateral coercive measures on human rights. Concern about such impact should be placed at the centre of future strategies on unilateral coercive measures and in particular for those that purport to react to human right violations in a targeted country. For appeals against decisions on blacklisting, the main challenge for States outside the European Union is to see how "designated persons" can be given the possibility of seeking redress for the possible miscarriage of executive decisions.**

82. **It should be remembered that unilateral coercive measures resorted to alone are likely to have a high cost in terms of the human rights of innocent people in targeted countries and a low degree of efficiency in achieving the desired objective. The complement, or the alternative, to such measures is engagement. This is the principal message of the successful non-proliferation negotiations between the five permanent members of the Security Council plus Germany and the Islamic Republic of Iran. The leadership exercised by the President of the United States in this regard and in calling into question the unilateral coercive measures against Cuba sets a favourable background for the work of this mandate and for the ultimate elimination of unilateral coercive measures as a poor proxy for negotiation in international relations.**

[70] The Special Rapporteur has requested to visit Cuba, the Islamic Republic of Iran and the United States.

United Nations A/70/346

General Assembly

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28 August 2015

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Seventieth session
Item 79 of the provisional agenda*
Report of the International Criminal Court

Expenses incurred and reimbursement received by the United Nations in connection with assistance provided to the International Criminal Court

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 19 of General Assembly resolution 69/279, in which the Assembly emphasized the need for the Secretary-General to inform the General Assembly at its seventieth session on the expenses incurred and reimbursements received by the United Nations in connection with assistance provided to the International Criminal Court.

* A/70/150.

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1. During the period from 1 July 2014 to 30 June 2015, the United Nations provided facilities and services to the International Criminal Court in the amount of $742,606. Facilities and services included costs for staff who worked exclusively on matters pertaining to the Court, International Telecommunications Satellite Organization satellite communications, costs incurred in connection with personnel training, conference and related services, field security, library services and others.

2. Additional expenses in the amount of $201,508 were incurred by the International Tribunal for the Former Yugoslavia, the United Nations Assistance Mission in Afghanistan, the United Nations Office at Nairobi and the United Nations Office at Geneva for services provided for the period from 1 July 2014 to 30 June 2015.

3. The Court has regularly reimbursed the United Nations upon receipt of invoices.

4. A narrative of itemized details of facilities and services provided to the Court by the United Nations for the period from 1 July 2014 to 30 June 2015 is provided in annex I, and by the various offices away from Headquarters for the same period in annex II.

Annex I

Itemized list of facilities and services provided by the United Nations to the International Criminal Court from 1 July 2014 to 30 June 2015

(United States dollars)

Services provided	*Amount*
Payroll costs for staff assigned to work exclusively on matters pertaining to the International Criminal Court as referenced in the agreement by the legal counsel	227 732
Costs related to meeting services and documentation costs for the thirteenth session of the Assembly of States Parties to the International Criminal Court	151 053
Services shared by the International Criminal Court for International Telecommunications Satellite Organization satellite communications charges and maintenance	122 652
Costs related to the Court's share of jointly financed activities for field security	99 261
Costs incurred for staff members of the Office of Legal Affairs	65 434
Services provided for participation in the Dag Hammarskjöld Library consortium membership for access to the online services of the United Nations System Electronic Information Acquisitions Consortium	29 529
Costs related to the participation of International Criminal Court security personnel in a training course in Bucharest in 2014	16 000
Costs related to language proficiency examinations for Court staff members	12 000
Costs related to the Court's participation, with observer status, in the sessions of the Human Resources Network of the United Nations System Chief Executives Board for Coordination for the biennium 2014-2015	10 000
Audiovisual services rendered by the Broadcast and Conference Support Section of the Department of Management	5 465
Webcast services rendered by the Department of Public Information	3 480
Total	**742 606**

Annex II

Itemized list of support provided by offices away from Headquarters to the International Criminal Court from 1 July 2014 to 30 June 2015

(United States dollars)

Office	*Services provided*	*Amount*
United Nations Office at Nairobi	Communications, rental of premises and other miscellaneous services	81 966
International Tribunal for the Former Yugoslavia	Reimbursable loan, training	85 156
United Nations Assistance Mission in Afghanistan	Transportation service	17 889
United Nations Office at Geneva	E-learning, United Nations laissez-passer	16 497
Total		**201 508**

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Seventieth session
Item 73 (b) of the provisional agenda*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

National institutions for the promotion and protection of human rights

Report of the Secretary-General**,***

Summary

In its resolution 68/171 on national institutions for the promotion and protection of human rights, the General Assembly requested the Secretary-General to submit a report to it at its seventieth session on the implementation of the resolution. The present report, covering the period from September 2014 to August 2015, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen national human rights institutions; measures taken by Governments and national human rights institutions in that regard; support provided to international and regional activities of national human rights institutions; technical assistance provided jointly with other United Nations agencies and programmes; and cooperation between national human rights institutions and international mechanisms to promote and protect human rights, including participation in the mechanisms of the Assembly.

* A/70/150.

** All references to Kosovo in the present report, whether to the territory, institutions or population, are to be construed in the context of Security Council resolution 1244 (1999) and without prejudice to the status of Kosovo.

*** The present report was submitted late in order to reflect the latest information.

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I. Introduction

1. The present report is submitted pursuant to paragraph 26 of General Assembly resolution 68/171 on national institutions for the promotion and protection of human rights. In accordance with the resolution, the present report focuses on the participation of national institutions in the work of the Assembly and related processes, in addition to other activities.

2. Resolution 68/171 highlighted the role of independent national institutions for the promotion and protection of human rights in working with Governments to ensure full respect for human rights at the national level and in supporting cooperation between Governments and the United Nations in the promotion and protection of human rights. In the resolution, the Assembly recognized the important role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the development of independent and effective national human rights institutions, guided by the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). During the period under review, OHCHR continued to provide advice and assistance towards strengthening national human rights institutions in 66 countries and contributed to the establishment of national human rights institutions in 12 countries. OHCHR supported several national human rights institutions facing threats and reprisals as they implemented their mandate. In each case, the High Commissioner called upon States to respect the independence of the institution while conducting its functions and to investigate the reprisals.

3. In resolution 68/171, the General Assembly also recognized the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism and the special procedures, as well as in the human rights treaty bodies, in accordance with Council resolutions 5/1 and 5/2. It should be noted that, in the Council, national human rights institutions with "A status" (i.e. those in full compliance with the Paris Principles) may, inter alia, attend all regular and special sessions of the Council, except closed sessions; have reserved seating at the Council's sessions; submit written statements; make oral statements in person; make statements by means of video message; and participate in open-ended intergovernmental working groups to develop new international human rights instruments.

4. In its resolution 68/171, the General Assembly welcomed the important role played by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in close cooperation with OHCHR, in assisting Governments in establishing and strengthening national human rights institutions in accordance with the Paris Principles. It called upon Member States and other stakeholders, including United Nations entities, to follow up on the recommendations of the Subcommittee on Accreditation of the International Coordinating Committee.

II. Office of the United Nations High Commissioner for Human Rights and national human rights institutions

A. Support to Governments and other national stakeholders

5. OHCHR continued to assist Governments in establishing and strengthening human rights institutions by providing technical assistance, in particular through comparative analysis, needs assessment and evaluation missions, and legal advice on constitutional and legislative frameworks regarding the nature, functions, powers and responsibilities of national human rights institutions.

6. During the period under review, OHCHR provided advice and other forms of assistance to strengthen human rights institutions in Argentina, Armenia, Azerbaijan, Bahrain, Barbados, Bosnia and Herzegovina, Burkina Faso, Burundi, Cameroon, Chad, Chile, Colombia, the Comoros, the Congo, Croatia, Egypt, El Salvador, Ethiopia, the former Yugoslav Republic of Macedonia, Guatemala, Haiti, Honduras, Iraq, Ireland, Jordan, Kazakhstan, Kosovo, Kyrgyzstan, Libya, Madagascar, Maldives, Mauritania, Mauritius, Mongolia, Nicaragua, the State of Palestine, Panama, Peru, the Philippines, the Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Somalia, South Africa, Swaziland, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, the United Republic of Tanzania, Uruguay and Zimbabwe.

7. OHCHR also provided assistance aimed at the establishment of national human rights institutions in Benin, Botswana, Chad, the Democratic Republic of the Congo, Fiji, Kuwait, Myanmar, Oman, Turkmenistan, the United Arab Emirates, Vanuatu and Yemen.

1. Africa

8. In Africa, OHCHR supported activities related to national human rights institutions carried out by its regional offices for Central, East, Southern and West Africa, its country offices in Guinea, Togo and Uganda, the human rights advisers to the United Nations country teams in Chad, Kenya, Madagascar, the Niger and Rwanda and the human rights components of the United Nations missions in Burundi, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Somalia and the Sudan (Darfur).

Legal advice

9. In September 2014, OHCHR provided legal advice to the Government of Chad on the bill amending the enabling legislation of the National Human Rights Commission.

10. In October 2014, the United Nations Assistance Mission in Somalia, in consultation with the Ministry of Women and Human Rights Development, organized a workshop to review the bill to establish an independent human rights commission and integrate comments from stakeholders, including OHCHR. The bill was to be tabled in Parliament in August 2015.

11. In March and April 2015, in Madagascar, OHCHR and the United Nations Development Programme (UNDP) supported several national consultative

workshops following the enactment of the law on the establishment of a national human rights institution.

12. OHCHR provided advice and technical assistance to the Government of Botswana and other national stakeholders on the process of establishing a national human rights institution, including possible models and structures.

Capacity-building

13. In Madagascar, in June 2014, OHCHR provided advice on the appointment of commissioners. The Organisation internationale de la Francophonie, UNDP, the United Nations Children's Fund (UNICEF) and the United Nations Population Fund financed the process. The Government committed to funding the institution and provided it with a building.

14. In November 2014, OHCHR and UNDP conducted a workshop on a human rights-based approach for the Ethiopian Human Rights Commission. In February 2015, OHCHR collaborated with the Commission in the organization of a workshop on the universal periodic review. The Commission subsequently published the recommendations from the review of Ethiopia in the local languages.

15. In November 2014, in partnership with the Commonwealth, OHCHR provided technical advice to the Human Rights Commission of Swaziland in the context of a human rights needs assessment mission.

16. In December 2014, OHCHR provided guidance to the National Human Rights Commission of Mauritius on the use of special procedures mandate holders, including the process of issuing standing invitations.

17. In December 2014, the OHCHR Regional Office for Southern Africa presented the Guiding Principles on Business and Human Rights and their application in the Southern African context at a workshop organized by the South Africa Human Rights Commission. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), OHCHR and the Commission worked on a research and advocacy project on the economic empowerment of women. The project is aimed at supporting the Commission in incorporating gender and human rights considerations into budget and fiscal policy and at advancing policy addressing endemic poverty.

18. In July 2015, OHCHR and UNDP conducted training for the Zimbabwe Human Rights Commission, focused on monitoring detention centres and on the Commission's engagement with the United Nations human rights system.

19. In the Democratic Republic of the Congo, OHCHR, in cooperation with the United Nations Joint Human Rights Office, followed the process of selecting the members of the National Human Rights Commission. The commissioners were appointed in April 2015.

20. OHCHR supported consultations of the Tanzanian Commission on Human Rights and Good Governance on the promotion and protection of the rights of persons with albinism. As a result, the Commission led national stakeholders to develop sustainable strategies to end violence and discrimination against albinism.

21. OHCHR and the Uganda Human Rights Commission established a feedback mechanism to update victims of human rights violations on progress regarding the

treatment of their complaints. OHCHR also supported the Commission in community outreach, which resulted in increased community engagement with the institution on reporting and follow-up on allegations of human rights violations. Joint monitoring of detention centres by OHCHR and the Commission, as well as joint advocacy, resulted in the modernization of the Amita prison residential facilities and the construction of a prison facility in the Kaabong District.

22. OHCHR also conducted capacity-building for the staff of the Human Rights Commission in Uganda on transitional justice, business and human rights, and other areas and supported the Commission in developing a human rights recommendations database to enable efficient monitoring, tracking and reporting on the implementation of human rights recommendations.

23. In Seychelles, UNDP, OHCHR and the Government coordinated a capacity-building project on the Paris Principles for the newly appointed members of the National Commission.

2. Americas

24. In the Americas, OHCHR supported activities related to national human rights institutions carried out by its regional offices for South America and Central America, its country offices in Bolivia (Plurinational State of), Colombia, Guatemala and Mexico, the human rights advisers to the United Nations country teams in Ecuador, Honduras and Paraguay and the human rights component of the United Nations Stabilization Mission in Haiti.

Legal advice

25. OHCHR provided legal advice to the Government of Barbados on the process of establishing a national human rights institution, yet to be created.

26. In Peru, OHCHR promoted, through various advocacy initiatives with Congress, the enactment of a law designating the national human rights institution as the national preventive mechanism. OHCHR provided legal advice on the bill, and in December 2014 Congress enacted the law and approved a new budget to fulfil the mandate.

Capacity-building

27. In September 2014, OHCHR drafted a compilation of international and regional human rights standards relating to social protests, in collaboration with the human rights institution of Chile. They also jointly elaborated human rights indicators to monitor compliance with the concluding observations of the Human Rights Committee.

28. Also in Chile, OHCHR organized workshops for the institution on the Third Optional Protocol to the Convention on the Rights of the Child (November 2014) and on alternative reporting to the Committee on Economic, Social and Cultural Rights (January 2015).

29. In Colombia, OHCHR and the Ombudsman facilitated dialogue between security sector institutions and indigenous communities in Cauca following clashes among them. They jointly conducted several human rights monitoring missions,

including on the right to health of Afro-Colombian and Hitnu children in Riosucio and Arauca.

30. In El Salvador and Nicaragua, OHCHR worked to strengthen the human rights institutions' capacities to address cases of racism and racial discrimination. A total of 51 human rights officers from headquarters and regional offices (33 in Nicaragua and 18 in El Salvador) were trained on how to implement a national institution intervention protocol for cases of racial discrimination. The national human rights institution of El Salvador committed to modifying its internal database in order to register cases and patterns of racial discrimination.

31. In Guatemala, OHCHR engaged in strengthening the capacities of the national human rights institution regarding the right to food; supported the design of joint instruments on the nutritional status of children and adolescents; and developed a strategy to monitor the implementation of the State's actions to reduce malnutrition.

32. In Haiti, OHCHR contributed to strengthening the monitoring and reporting capacity of the Office de la protection du citoyen and conducted monitoring visits with the institution's staff members.

33. OHCHR and UNDP jointly implemented a project on strengthening the rule of law for the protection and promotion of human rights in Honduras, which included strengthening the capacities of the National Commissioner for Human Rights on the rights of human rights defenders.

34. OHCHR supported the national human rights institution in Panama in organizing training-of-trainers courses for police officers. The institution subsequently updated its training manual in line with international standards.

35. In Uruguay, OHCHR held workshops to enhance the engagement and interaction of the human rights institution with international human rights mechanisms.

36. In Argentina, OHCHR worked with the Defensoría del Pueblo de la Nación on the adaptation of a guide for the institution to handle racial and ethnic discrimination. It also organized two training courses on indigenous peoples' rights, in collaboration with the institution, as part of a joint programme with the institution, OHCHR, UNDP, UNICEF, the International Labour Organization and Norway.

3. Asia and the Pacific

37. In Asia and the Pacific, OHCHR supported activities related to national human rights institutions carried out by its regional offices for Central Asia, South-East Asia and the Pacific, its office in Cambodia, the human rights advisers to the United Nations country teams in Papua New Guinea, the Philippines, Sri Lanka and Timor-Leste and the human rights component of the United Nations Assistance Mission in Afghanistan.

Legal advice

38. In 2014, OHCHR provided legal and other substantive assistance for the establishment of the National Human Rights Committee of Vanuatu and later participated in the induction and training of its members.

Capacity-building

39. In Timor-Leste, a joint project of OHCHR and UNDP provided capacity support to the Provedoria for Human Rights and Justice in monitoring, case management, reporting, advocacy and human rights education. In September 2014, OHCHR trained Provedoria staff and civil society organizations on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Provedoria subsequently prepared a shadow report to the Committee against Torture and developed an advocacy strategy to address torture and cruel, inhuman and degrading treatment in detention centres. In October 2014, OHCHR provided training to Provedoria staff on economic, social and cultural rights, which allowed the institution to monitor the Government's programme of school feeding and local health services. In January 2015, OHCHR, UNDP and the Asia-Pacific Forum of National Human Rights Institutions conducted a capacity assessment of the Ombudsman of Timor-Leste. In May 2015, the Ombudsman adopted an action plan to implement the recommendations resulting from the assessment.

40. OHCHR advocated the re-establishment of the Fiji Human Rights and Anti-Discrimination Commission, and OHCHR advocacy efforts contributed to the appointment of new commissioners in May 2015.

41. In 2014, OHCHR, in collaboration with the Asia-Pacific Forum of National Human Rights Institutions and UNDP, conducted a capacity assessment of the Office of the Ombudsman in Samoa. Subsequently, OHCHR provided technical support to the development by the Ombudsman of a human rights report, which was published and disseminated nationally.

4. Europe and Central Asia

42. In Europe and Central Asia, OHCHR supported activities related to human rights institutions carried out by its regional offices for Europe and Central Asia, its office in Kosovo, the human rights advisers to the United Nations country teams in the former Yugoslav Republic of Macedonia, the Republic of Moldova, the Russian Federation, Serbia and Tajikistan and the human rights adviser of the United Nations Regional Centre for Preventive Diplomacy for Central Asia.

Legal advice

43. In 2014, OHCHR provided legal advice to the Ombudsman of the former Yugoslav Republic of Macedonia, including a preliminary analysis of the draft amendments to the founding law of the Ombudsman. Subsequently, the Government submitted the draft amendments to Parliament for adoption.

44. OHCHR supported several advocacy initiatives by the Ombudsman of Kyrgyzstan with the Government and parliamentarians on amending the enabling law in compliance with the Paris Principles.

45. In the Republic of Moldova, OHCHR worked closely with both the Equality Council and the Ombudsperson institution to provide legal analysis of four national laws, namely on equality, minorities, the protection of persons with disabilities and women's rights.

Capacity-building

46. In November and December 2014, OHCHR cooperated with the Ombudsman in Azerbaijan in the organization of public discussions on the implementation of recommendations submitted at the country's second universal periodic review cycle.

47. In February 2015, OHCHR and UNDP conducted a joint mission to Bosnia and Herzegovina following an assessment of the Ombudsman institution. The recommendations from the assessment were discussed and will be used as a tool by national actors for proposed amendments to the existing legislation on the Ombudsman.

48. In April 2015, UNDP, OHCHR, UNICEF, UN-Women and the Office of the United Nations High Commissioner for Refugees organized a training course for key personnel of the Ombudsman of Kyrgyzstan on strategic planning and economic, social and cultural rights. OHCHR also assisted the Ombudsman in drafting the institution's annual report to Parliament for 2014.

49. In May 2015, in Kazakhstan, OHCHR conducted four regional capacity-building seminars on torture prevention for the 145 newly elected members of the national preventive mechanism.

50. In June 2015, in follow-up to the recommendations from the universal period review on the establishment of an independent human rights institution supported by the Government of Turkmenistan, OHCHR met with relevant government officials and organized a workshop on the Paris Principles with national stakeholders.

51. In Armenia, in 2015, OHCHR supported the Ombudsman's role of developing an alternative report to the country's second cycle and provided advice on the preparation of an alternative report to the Committee on Economic, Social and Cultural Rights.

52. In the Republic of Moldova, OHCHR, the Equality Council and the Ombudsman institution jointly followed up on cases of discrimination and other human rights violations. OHCHR advised the two institutions on the legal application and interpretation of relevant international human rights standards.

53. Also in the Republic of Moldova, during the reporting period, OHCHR and the two aforementioned institutions organized eight training courses for judges and prosecutors on the application of the anti-discrimination legislation and principles.

54. In Tajikistan, OHCHR continued to provide expert support to the national preventive mechanism monitoring group under the auspices of the Ombudsman institution. The national preventive mechanism started conducting monitoring visits in 2014.

5. Middle East and North Africa

55. In the Middle East and North Africa, OHCHR supported activities related to national human rights institutions carried out by its Regional Office for the Middle East, the United Nations Human Rights Training and Documentation Centre for South-West Asia and the Arab Region, its offices in Mauritania, the State of Palestine, Tunisia and Yemen and the human rights components of the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations Support Mission in Libya (UNSMIL).

Legal advice

56. In Kuwait, OHCHR provided legal advice on a bill for the establishment of a human rights institution and another governmental human rights entity to be placed under the supervision of the Council of Ministers. The law was adopted in April 2015.

57. In December 2014, OHCHR held a seminar on the Paris Principles with the Shura and the State Council of Oman and other stakeholders to promote compliance with the Paris Principles of the bill to amend the Royal Decree on the National Human Rights Commission. The bill was before Parliament at the time of writing the present report.

58. OHCHR provided comments on the draft national human rights institution law of Yemen, which has not yet been adopted, owing partly to the ongoing conflict.

Capacity-building

59. Between August and October 2014, OHCHR provided technical assistance to the National Council for Civil Liberties and Human Rights of Libya in drafting its universal periodic review report. In February 2015, UNSMIL facilitated a session on human rights monitoring and reporting at a workshop organized by the American Bar Association for the national human rights institution.

60. In September 2014, in Amman, UNAMI, UNDP and OHCHR organized a workshop on handling, investigating and reporting complaints of human rights violations for representatives of the Independent High Commission for Human Rights of Iraq and the Independent Board for Human Rights in the Kurdistan Region. In May and June 2015, UNAMI held training courses for more than 40 staff of the High Commission's secretariat on the protection of civilians in armed conflict and on monitoring, investigating and reporting human rights violations and abuses.

61. In December 2014, OHCHR conducted training on human rights indicators for staff of the national institution in Egypt.

62. In Mauritania, OHCHR trained the human rights institution on monitoring detention centres and on international human rights mechanisms. The institution subsequently submitted several reports to United Nations mechanisms. OHCHR supported the organization of conferences with the institution and the University of Nouakchott to mainstream human rights education in the curriculum of legal and social courses.

63. OHCHR supported the training of the National Human Rights Commission in Oman on investigations and individual complaints and on universal periodic review reporting, in cooperation with the Palestinian Independent Commission for Human Rights.

64. OHCHR worked with the Palestinian Independent Commission for Human Rights on workshops and technical briefings for government officials on reporting to United Nations treaty bodies and implementing obligations under international human rights treaties.

65. OHCHR and the Saudi Human Rights Commission developed a training programme targeting ministry officials on a human rights-based approach to combating trafficking in persons and to investigating cases and addressing victims in an appropriate manner.

B. Support to regional and subregional initiatives of national human rights institutions

1. Africa

66. As a member of the steering committee for the research project developed by UNDP and the Network of African National Human Rights Institutions, OHCHR contributed to research on the state of national human rights institutions in Africa. The resulting report, which has yet to be published, will contain an analysis of the role and capacity of African institutions to promote and protect human rights, highlight gaps and constraints and include recommendations for policy options.

2. Americas

67. In September 2014, the OHCHR Regional Office for South America convened a workshop with human rights institutions from the region (including Argentina, Brazil, Chile, Colombia, Peru and Uruguay) to share good practices on monitoring social protests and on their interaction with parliaments.

3. Europe and Central Asia

68. The OHCHR Regional Office for Europe carried out activities for national human rights institutions on equality and non-discrimination and participated in the launch of a project on the human rights of older persons in long-term care, to be implemented by the European Network of National Human Rights Institutions.

C. Support to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its Subcommittee on Accreditation

1. International Coordinating Committee

69. As the secretariat of the International Coordinating Committee, OHCHR facilitated and provided support to the twenty-eighth annual general meeting of the Committee, held in Geneva in March 2015.

70. The fifth annual meeting of the tripartite partnership between the International Coordinating Committee, UNDP and OHCHR was held in New York in June 2015. The partnership aims to increase cooperation among the parties towards better coordinating and leveraging knowledge, expertise and capacity to strengthen national human rights institutions. On 12 June 2015, UNDP, OHCHR and the International Coordinating Committee hosted the third annual seminar series on national human rights institutions at United Nations Headquarters in New York. The seminar focused on good practices and challenges of national human rights institutions' participation in the international human rights system, including General Assembly mechanisms, and their role as institutions of accountability.

2. Subcommittee on Accreditation of the International Coordinating Committee

71. In November 2014 and May 2015, OHCHR provided secretariat support to the meetings of the Subcommittee on Accreditation. As at May 2015, 72 national human rights institutions were accredited with "A status" by the International Coordinating Committee, compared with 69 institutions in May 2013.

3. Reprisals against representatives of national human rights institutions

72. OHCHR supported several national human rights institutions facing threats and reprisals as they implemented their mandate, including the institutions of Australia, Kyrgyzstan, Libya, Maldives, Serbia and Ukraine. In each case, the High Commissioner called upon the Government concerned to respect the independence of the institution while conducting its functions and to investigate the reprisals.

III. Support by the United Nations Development Programme and other United Nations agencies, funds and programmes to national human rights institutions

A. Americas

73. In Peru, UNDP supported a training course on disabilities and on the management and quality of water resources and their impact on the rights of individuals for the Office of the Ombudsman. In addition, in coordination with the Government and the Ombudsman, UNDP supported the drafting of several documents regarding extractive industries and related conflicts.

B. Asia and the Pacific

74. In Afghanistan, UNDP supported the development of the strategic plan and action plan of the Independent Human Rights Commission for the period 2014-2018 and conducted training for the institution on a human rights-based approach and women's human rights.

75. In November 2014, with UNDP support, the National Human Rights Commission of Bangladesh organized a conference in Dhaka to promote a regional human rights mechanism in South Asia. In October 2014 and January 2015, through UNDP advocacy and support, the Commission submitted alternative reports to the Committee on the Rights of the Child and the Committee against Torture. In April 2015, UNDP supported the Commission in organizing a workshop with government and civil society representatives, which resulted in proposals to strengthen the legal protection afforded to disadvantaged and vulnerable groups. In May 2015, the Commission organized, with UNDP support, a national workshop on anti-trafficking with government ministries involved in the prevention of trafficking and assistance to victims.

76. In February 2015, UNDP and the Asia-Pacific Forum of National Human Rights Institutions organized a workshop in Bangkok with national human rights institutions from the Asia-Pacific region on sexual orientation and gender identity.

77. In Indonesia, UNDP supported the national human rights institution, Komnas HAM, in integrating gender perspectives into a public inquiry into issues related to land and indigenous peoples, facilitating consultations with non-governmental women's organizations and other stakeholders.

78. In Maldives, UNDP supported the development of a manual for the National Human Rights Commission on advocacy strategies and community awareness-raising.

79. In the Philippines, UNDP assisted the Human Rights Commission in establishing a universal periodic review tripartite monitoring mechanism to monitor recommendations from the review. It also supported the development of a regulatory framework for businesses in the private sector, incorporating the Guiding Principles on Business and Human Rights.

C. Europe and Central Asia

80. In 2014, UNDP collaborated with the Office of the Ombudswoman in Croatia on building the institution's capacities in reporting under the universal periodic review.

81. In November 2014, in cooperation with UN-Women, the Public Defender of Georgia prepared its gender equality strategy and action plan. Capacity support was also provided to the Gender Equality Department of the Office of the Public Defender to work on issues of violence against women and domestic violence. In cooperation with UN-Women, the Office of the Public Defender issued guidelines for practitioners on responses to domestic violence and prepared a special report on violence against women and domestic violence. From October to December 2014, the Office of the Public Defender, with financial assistance from UNDP, monitored the human rights situation of persons with disabilities and conducted related awareness-raising activities for various stakeholders throughout the country.

82. In November and December 2014, the UNDP Regional Centre for Europe and Central Asia assisted the Ombudsman Institute in Kyrgyzstan in creating an electronic complaints management system. In April 2015, it conducted training for the Ombudsman on monitoring violations of children's rights, together with UNICEF.

83. In Ukraine, UNDP assisted the Ombudsman in monitoring the rights of the Roma population and supported the institution's participation in the sessions of various treaty bodies. In February 2015, UNDP organized training for the Office of the Ombudsman in the light of its new status as the national preventive mechanism. UNDP also supported the Ombudsman in engaging with civil society organizations to conduct human rights monitoring in 14 regions, including on the prevention of torture, access to information, the protection of economic and social rights and non-discrimination.

D. Middle East and North Africa

84. In September 2014, the Independent High Commission for Human Rights of Iraq, supported by the United Nations Office for Project Services (UNOPS) and the European Union, established a legislative task force to develop the Commission's internal procedures and policies, based on international best practices. In December 2014, with UNOPS support, members of the Commission participated in a seminar conducted by the International Institute of Higher Studies in Criminal Sciences (Syracuse, Italy) to develop internal procedures for conducting fact-finding and investigations into human rights violations. In March 2015, members of the Commission also participated in a workshop on prison monitoring conducted by UNOPS and Penal Reform International in Amman.

85. In April 2015, UNDP and UNAMI developed a two-year capacity-building and technical support project for the Independent Board for Human Rights in the Kurdistan Region, focusing on improving its mandate, structures, functions and capacities.

IV. Cooperation between national human rights institutions and United Nations human rights mechanisms

A. Human Rights Council

86. OHCHR, in coordination with the International Coordinating Committee, continued to support the engagement of national human rights institutions with the Human Rights Council and its mechanisms.

87. In line with the Council's rules of procedure that enable the participation of national human rights institutions compliant with the Paris Principles, several institutions delivered statements at Council sessions, submitted written documentation, participated in general debates under specific agenda items and organized parallel events. During the twenty-eighth and twenty-ninth sessions of the Council, 45 written statements and 46 oral statements (of which 21 were video recorded) were made by national human rights institutions.[1]

B. Special procedures

88. National human rights institutions continued to provide special procedures mandate holders with information during their country visits and, in some cases, provided input to the reports of special procedures.

C. Universal periodic review

89. During the reporting period, 42 countries underwent their second universal periodic review, and national human rights institutions continued to actively engage with the process. During that time, 12 institutions with "A status" and 5 non-accredited institutions submitted written stakeholders' contributions on the situation of human rights in their countries.

90. Four institutions participated in the Council's adoption of the outcomes of the reviews (Albania, Bosnia and Herzegovina, Egypt and New Zealand), including by means of video statements. Three institutions participated in the general debate on the universal periodic review under agenda item 6 of the Council to share midterm progress reports on the status of implementation of recommendations, voluntary commitments and pledges made by States, including by means of video statements. Five institutions circulated written information during Council sessions (see annex II).

91. National human rights institutions used the universal periodic review to advance their agenda at the national level. Written contributions were received from the institutions of the Comoros, Ethiopia, Iraq, Norway and Uruguay, which had not

[1] See www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx.

yet been accredited by the International Coordinating Committee at the time. The five States accepted recommendations to make efforts to bring the institutions into conformity with the Paris Principles and to reinforce their independence.

92. During most of the reviews of the second universal periodic review cycle, there was widespread emphasis on the important role that independent national human rights institutions played in the promotion and protection of human rights at the national level.

D. Treaty bodies

93. OHCHR continued to support the participation of national human rights institutions in treaty bodies' sessions, encouraging them to provide written or oral information and to attend sessions. OHCHR also disseminated relevant recommendations and concluding observations to the institutions concerned and provided written and oral information to treaty bodies on the status of national human rights institutions in the countries under consideration.

94. During the reporting period, of 132 States parties that were examined by human rights treaty bodies, 97 had established a national human rights institution. Of those, 35 institutions submitted written reports, 34 made oral briefings and 28 attended sessions of treaty bodies (annex I). National institutions also participated in videoconferences, particularly in the proceedings of the Human Rights Committee.

95. Treaty bodies have provided specific tools related to national institutions, including general comments, information notes and statements. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child have issued general comments on national human rights institutions.[2] The Committee on the Elimination of Racial Discrimination amended its rules of procedure to allow A-status institutions to address the Committee in plenary session. Other treaty bodies have included in their guidelines a section on the participation of national human rights institutions in their sessions.

96. During the first session of the Committee on the Rights of Persons with Disabilities, a meeting was organized with national human rights institutions, on 25 September 2014. At that meeting, the National Institutions and Regional Mechanisms Section of OHCHR presented a research paper on the role of human rights institutions as national monitoring mechanisms. One outcome of the meeting was the Committee's decision to prepare guidelines on the participation of national institutions in its work.

97. During the reporting period, in conformity with article 11 (b) of the Optional Protocol to the Convention against Torture, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment provided advice and assistance to national human rights institutions on issues related to the national preventive mechanism.

[2] See general comment No. 10 (1998), general recommendation No. 17 (1993) and general comment No. 2 (2002), respectively.

E. General Assembly mechanisms and processes

98. In accordance with paragraph 16 of resolution 68/171, the present report examines the participation of national human rights institutions compliant with the Paris Principles in the work of the General Assembly and related processes, with a view to exploring the feasibility of enabling such institutions to participate independently in relevant United Nations mechanisms and processes, in accordance with their respective mandates, and on the basis of practices and arrangements agreed upon in Assembly resolution 60/251, Human Rights Council resolutions 5/1, 5/2 and 16/21 and Commission on Human Rights resolution 2005/74, while ensuring their most effective contribution.

99. The Paris Principles require national human rights institutions to engage with the international human rights system. Such institutions are uniquely positioned to provide the United Nations with evidence-based information on human rights situations and to promote the implementation of human rights norms and standards in their respective countries. That role has been recognized, welcomed and further encouraged by the General Assembly,[3] the Human Rights Council[4] and other United Nations bodies.

100. National human rights institutions enjoy formal participation rights with the Human Rights Council and treaty bodies and have had a long-standing engagement therein, as illustrated in the present and previous reports (see annexes I and II).

101. While several United Nations bodies and mechanisms associated with the promotion and protection of human rights accept national human rights institutions' participation, their interaction with such institutions remains mostly ad hoc and informal.

102. National human rights institutions have participated in a range of intergovernmental processes under the auspices of the General Assembly since the practice was established at the World Conference on Human Rights, in 1993. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, the Durban Review Conference, held in 2009, and the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014, benefited from the participation of national human rights institutions, and in the outcome documents of those Conferences the institutions' role and contributions were specifically acknowledged.[5]

103. The rules of procedure of the Durban Review Conference allowed for the participation of national human rights institutions, both in the Conference and in its preparatory process, on the basis of arrangements and practices developed by the Commission on Human Rights, including resolution 2005/74.[6]

104. In 2009, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, as well as individual institutions, actively participated in the meetings of the Preparatory Committee for the Durban

[3] See, most recently, General Assembly resolution 68/171.
[4] See, most recently, Human Rights Council resolution 27/18.
[5] See A/CONF.189/12, chap. I, Durban Declaration, paras. 112-113, A/CONF.211/8, chap. I, and General Assembly resolution 69/2, respectively.
[6] Provisional rules of procedure for the Durban Review Conference (A/CONF.211/3), rule 65.

Review Conference and contributed to the Conference, submitting formal oral and written statements. They also held a side event, co-hosted with OHCHR.[7] The outcome document of the Conference elaborates specific contributions of national human rights institutions to the fight against racism.[8]

105. The intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system also benefited from the participation of national human rights institutions.[9]

106. Individually and through the International Coordinating Committee, national human rights institutions have participated in and contributed to the development of protocols to international human rights treaties, including the Optional Protocols to the Convention against Torture and the International Covenant on Economic, Social and Cultural Rights, and the Third Optional Protocol to the Convention on the Rights of the Child.

107. National human rights institutions also engaged in General Assembly processes in the elaboration of the Convention on the Rights of Person with Disabilities. Through the International Coordinating Committee, they had their own speaking slot under each agenda item and contributed to all stages of the drafting process. Their role was formally recognized and welcomed by the Assembly and the Ad Hoc Committee mandated to draft the Convention.[10] Their participation is clearly reflected in article 33 of the Convention, on national implementation and monitoring.

108. Both the General Assembly and the Human Rights Council have regularly welcomed contributions of national human rights institutions to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and encouraged them to continue to interact with and advocate for their independent participation rights therein.[11] While participation modalities remain ad hoc, the practical support and information services provided by the Conference secretariat, including a section in its website on modalities for national human rights institutions' participation, have ensured an important level of contribution to the work of the Conference on the part of institutions.

109. In 2015, as in previous years, the International Coordinating Committee delivered a statement to the Conference of States Parties and hosted a side event with the participation of the Vice-Chairperson of the Committee on the Rights of Persons with Disabilities on the roles of national human rights institutions in promoting the implementation of the Convention.

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[7] See the report of the Secretary-General dated 24 August 2009 (A/64/320), paras. 78-80.

[8] See paras. 19, 42, 107, 114-115 and 140.

[9] See resolution 66/254.

[10] The participation of national human rights institutions in the work of the Ad Hoc Committee was based on General Assembly resolution 56/168, by which the Assembly decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers of the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities. See also resolution 61/106, in which the Assembly particularly welcomes the contributions from national human rights institutions.

[11] See General Assembly resolution 68/171, para. 14; and Human Rights Council resolution 20/14, para. 15.

110. National human rights institutions also enjoy participation rights in the Permanent Forum on Indigenous Issues, mirroring arrangements at the Human Rights Council.

111. Occasionally, institutions compliant with the Paris Principles have been invited to participate in high-level events of the General Assembly, including the tenth anniversary celebration of the adoption of the Durban Declaration and Programme of Action, during which the International Coordinating Committee made a statement.

112. In the Open-ended Working Group on Ageing, established by the General Assembly in 2010, national human rights institutions do not have formal participation rights but have submitted written statements and participated as expert panellists in proceedings.

113. The Commission on the Status of Women provides for the participation of national human rights institutions as part of States' delegations. That arrangement does not accurately reflect the independent status of national institutions and could potentially compromise the institutions' independence. In a joint statement to the fifty-fourth session of the Commission on the Status of Women, 11 human rights institutions encouraged Member States to support a resolution enabling the independent participation of human rights institutions in the work of the Commission, drawing on the practice of other United Nations bodies, including the Human Rights Council.

114. The Secretary-General welcomed the engagement of national human rights institutions with the Commission on the Status of Women,[12] and the General Assembly and the Human Rights Council have regularly called for the participation of such institutions in the work of the Commission.[11] The Commission would benefit from independent and authoritative information from human rights institutions, as the majority of them address gender issues. Nonetheless, to date the Commission has not developed modalities for the participation and contribution of national institutions.

115. The General Assembly and the Human Rights Council have regularly called upon national human rights institutions to contribute to the post-2015 development agenda. In its resolution 68/171, the Assembly encouraged institutions compliant with the Paris Principles to continue to participate in and contribute to deliberations in all relevant United Nations mechanisms and processes in accordance with their respective mandates, including the discussions on the post-2015 development agenda.

116. Possible action by the General Assembly could extend to national human rights institutions' participation in the Assembly and subsidiary bodies and in the Economic and Social Council and subsidiary bodies on the basis of the modalities developed by the Human Rights Council. Such action, if decided on by Member States, could expressly give institutions fully compliant with the Paris Principles the right to provide written contributions and make oral interventions and to be heard by the Assembly, its Committees and subsidiary bodies, the Economic and Social Council and its functional commissions and all other relevant United Nations forums. Participation should be extended to A-status national institutions fully

[12] See the report of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights (A/HRC/27/39), para. 113.

compliant with the Paris Principles, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and related regional associations of national human rights institutions.

V. Conclusions and recommendations

A. Member States

117. **Member States should establish a national human rights institution compliant with the Paris Principles where none exists and strengthen the structures and independence of existing institutions to enable the independent and effective fulfilment of their mandate, taking into account the recommendations of the Subcommittee on Accreditation and advice from OHCHR.**

118. **Member States should ensure that national human rights institutions are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and with adequate powers of investigation to handle allegations of human rights violations, including competence to visit detention centres.**

119. **Member States should ensure that national human rights institutions are provided with adequate human and financial resources and the autonomy necessary to propose and manage their own budgets.**

120. **Selection and appointment of members and staff of national human rights institutions should be based on an open, participatory and inclusive approach.**

121. **Members and staff of national human rights institutions should enjoy immunity while discharging their functions in good faith. States are encouraged to take the measures necessary to protect them against threats and harassment. Any cases of alleged reprisal or intimidation against members and staff of institutions, or against individuals who cooperate or seek to cooperate with them, should be promptly and thoroughly investigated and perpetrators brought to justice.**

122. **The participation of national human rights institutions fully compliant with the Paris Principles, as well as their coordinating bodies, in the General Assembly and its subsidiary bodies and working groups, as well as in the Economic and Social Council and its subsidiary bodies and working groups, including the Commission on the Status of Women, the Permanent Forum on Indigenous Issues and the processes related to the post-2015 sustainable development goals, should be considered, on the basis of the modalities for national institutions' participation in the Human Rights Council. Similar modalities could apply in conferences of States parties to human rights treaties, particularly the Conference of States Parties to the Convention on the Rights of Persons with Disabilities. National institutions could be authorized to provide written contributions and to intervene orally.**

123. **The development by each of the relevant United Nations processes and mechanisms of their own modalities for the effective and independent participation of institutions compliant with the Paris Principles should be supported.**

124. **Member States should continue to provide financial contributions to OHCHR for the latter to sustain high-quality support for the establishment and strengthening of national human rights institutions and to provide secretariat support to the International Coordinating Committee and its Subcommittee on Accreditation.**

B. National human rights institutions

125. **National human rights institutions should seek constructive cooperation with relevant State bodies to promote the inclusion of human rights issues in legislation, policies and programmes.**

126. **National human rights institutions should develop cooperation with civil society organizations and strengthen their capacity to participate meaningfully in the promotion and protection of human rights.**

127. **National human rights institutions should continue to develop and advocate the development of protective measures and mechanisms for human rights defenders and to disseminate information thereon.**

128. **National human rights institutions should continue to engage with the international human rights system and regional human rights mechanisms and to promote the implementation of their recommendations.**

129. **National human rights institutions should continue to advocate their independent participation in relevant United Nations mechanisms and processes, including the post-2015 agenda.**

C. United Nations agencies, funds and programmes

130. **United Nations agencies, funds and programmes should provide support to national human rights institutions within their respective programmes and mandates in order to further the implementation of international human rights norms.**

131. **United Nations agencies, funds and programmes should adopt suitable practical modalities of interaction with national human rights institutions, including facilitating their access to information and documentation.**

D. Conferences of States parties to human rights treaties and treaty monitoring bodies

132. **Conferences of States parties to human rights treaties and treaty monitoring bodies should harmonize their working methods to ensure the highest degree of participation by national human rights institutions at all stages of their work.**

Annex I

Engagement of national human rights institutions in the work of the treaty bodies (August 2014-September 2015)

Committee	*Number of States parties reviewed*	*Number of States parties with a national human rights institution*	*Submission of information*	*Briefing*	*Attendance*
Committee against Torture	16	15	9	5	5
Committee on the Elimination of Racial Discrimination	11	11	7	3	3
Committee on Economic, Social and Cultural Rights	8	8	8	4	2
Human Rights Committee	19	12	6	–	–
Committee on the Elimination of Discrimination against Women	26	15	6	6	5
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	9	7	1	0	0
Committee on the Rights of the Child	26	17	8	5	4
Committee on Enforced Disappearances	5	4	3	2	1
Committee on the Rights of Persons with Disabilities	12	8	8	8	8
Total	**132**	**97**	**55**	**34**	**28**

Annex II

Engagement of national human rights institutions in the second cycle of the universal periodic review (2012-2016)

Twentieth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-eighth regular session of the Human Rights Council (March 2015) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Plurinational State of Bolivia	Yes (A-status)	–
Iraq	Yes	–
Egypt	Yes (A-status)	National Council for Human Rights of Egypt (A/HRC/28/NI/6 — written document only)
Bosnia and Herzegovina	Yes (A-status)	–
El Salvador	Yes (A-status)	–
		Australian Human Rights Commission — agenda item 6 universal periodic review general debate by means of video message (A/HRC/28/NI/1)

Nineteenth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-seventh regular session of the Human Rights Council (September 2014) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Norway (2)	Yes	–
Qatar	Yes (A-status)	Qatar National Human Rights Committee
Nicaragua	Yes (A-status)	–
Ethiopia	Yes (B-status)	–
Costa Rica	Yes (A-status)	–

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-seventh regular session of the Human Rights Council (September 2014) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Albania	Yes (A-status)	People's Advocate of Albania — agenda item 6 review of Albania by means of video message (A/HRC/27/NI/6) Northern Ireland Human Rights Commission — agenda item 6 universal periodic review general debate by means of video message (A/HRC/27/NI/7 — midterm progress report) Equality and Human Rights Commission of Great Britain — agenda item 6 universal periodic review general debate (A/HRC/27/NI/9 — midterm progress report — written document only)

Eighteenth session of the Working Group on the Universal Periodic Review (2014)

State (in order of review)	*Written contribution for summary (as used)*[a]	*Oral statement and circulation of written document to the twenty-sixth regular session of the Human Rights Council (June 2014) during the adoption of the universal periodic review outcome of the concerned country (A-status national human rights institutions only) and general debate under item 6*
Afghanistan	Yes (A-status)	Independent Human Rights Commission (video message)
Comoros	Yes	–
Uruguay	Yes	–
Chile	Yes (A-status)	–
New Zealand	Yes (A-status)	New Zealand Human Rights Commission (video message)
The former Yugoslav Republic of Macedonia	Yes (A-status)	–

[a] "Yes" appears only where institutions made written contributions.